IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5651 OF 2004

Nasarullah Abdul Rehman @
Muna @ Nasir .. Applicant
(Orig.Acc.No.2)

Versus

1. Narcotic Control Bureau & Anr.. Respondents

Mr.Keshwani i/b Prashant Rane for applicant
Mr.D.N.Salvi, APP for Union of India .

CORAM : P.V.KAKADE,J.

DATE : 15th FEBRUARY,2005.

P.C.:

. Heard the learned counsel for both the parties.

1. This is an application to review the sentence passed by this Court in Criminal Appeal No.241 of 2001, which was partly allowed. The learned Trial Court had convicted and sentenced the Applicant under Section 29 r/w 21 and 23 of NDPS.Act sentencing him to suffer R.I for 13 years and pay fine of Rs.3,00,000/= in default two years R.I., under Section 21 of N.D.P.S. Act sentenced 13 years R.I. and fine of Rs.3,00,000/= in

default two years R.I., under Sections 30 r/w 23 and 24 of N.D.P.S. Act sentenced R.I. for seven years and fine of Rs.1,50,000 and in default one year R.I. The appeal was preferred to this Court and after hearing the appeal on merits the appeal was partly allowed by issuing directions to the substantive sentences passed against the appellant for 13 years for the offences under Section 29 read with Sections 21 and 23 of the NDPS Act alongwith section 27-A read with 8(c) and 21 of the NDPS Act was modified to R.I. for 10 years. The remaining sentences including the sentence of fine and imprisonment in default of payment of fine was not disturbed.

2. Thereafter the appellant preferred an appeal to the Supreme Court, however, as stated by the learned Counsel for the Applicant the appeal was summarily dismissed. On this background the present application for review of sentence is made on various grounds.

3. After hearing the learned counsel for the Applicant as well as the learned APP, I must note that it cannot be a case that question of sentence was not considered at the time of adjudication of the appeal

because the substantive sentence in fact was reduced from 13 years to 10 years by the impugned order. Moreover, it cannot be overlooked that the concept of review, especially, that of sentence, is unknown to criminal jurisprudence and therefore, this legal disability cannot be overcome irrespective of alleged circumstances averred in the application on behalf of the Applicant.

4. In view of this position, the application stands rejected and disposed of.

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